

## **Instruction for Submitting Provisional 40/30 Waiver In Wyoming and Tribal Lands in EPA Region 8**

**NOTE: PROVISIONAL 40/30 WAIVERS ARE AVAILABLE ONLY TO  
CONSECUTIVE SYSTEMS THAT CONDUCTED VOLUNTARY MONITORING  
FOR DISINFECTION BYPRODUCTS (DBP) ACCORDING TO INSTRUCTIONS  
LISTED IN THE STAGE 1 DBPR**

This document contains information specific to systems in Wyoming and tribal lands in EPA Region 8. This document is organized in two parts. Part 1 contains instructions on how to submit the required information for a Provisional 40/30 waiver. Part 2 contains general information about Provisional 40/30 waivers, including what systems are eligible and what those systems are required to submit to USEPA.

### **Part 1 - Instructions for Submitting a Provisional 40/30 Waiver**

To meet the submission requirements for the Provisional 40/30 waiver, you need to submit the following information by the date required for your IDSE Schedule (see Part 2 for specific dates):

- Standard Monitoring Plan
- A signed and dated Provisional 40/30 waiver Letter

You can cut and paste the following language to serve as your certification:

I hereby certify that each individual DBP sample (equivalent to Stage 1 DBPR data) collected from \_\_\_\_\_ to \_\_\_\_\_ was less than or equal to 0.040 mg/L for TTHM and 0.030 mg/L for HAA5. I understand that to be eligible, each individual sample must be equal to or below these values, and that I must continue to collect samples until I have 8 consecutive quarters of data. I also certify that I will submit the additional monitoring data or notify EPA if I am no longer eligible for the provisional 40/30 waiver.

- All of the TTHM and HAA5 data that you are using to qualify for the Provisional 40/30 waiver.
- A distribution system schematic, with all of the required elements (including water sources, distribution system entry points, and storage facilities with notes indicating locations and dates of all projected standard monitoring and all projected Stage 1 monitoring for the 40/30 waiver)
- Sent all the required information to the address below or email that information to the email address at the end of Part 2.

Mary Wu  
8P-W-DW  
USEPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-8917

- Once you collect your remaining TTHM and HAA5 samples, submit the results to the above address. We will notify you of our approval of your waiver status.

## Part 2 - General Information about Provisional 40/30 Waivers

### What is a Consecutive System?

A consecutive system is a Public Water System (PWS) that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more other consecutive systems.

### What is a Provisional 40/30 Waiver?

A Provisional 40/30 waiver is a conditional waiver from IDSE monitoring, based on results of voluntary DBP monitoring for Total Trihalomethanes (TTHM) and 5 Haloacetic Acids (HAA5) conducted by a consecutive system in accordance with the Stage 1 DBPR instructions. This Provisional Waiver is being offered to consecutive systems that will not have 8 consecutive quarters of DBP data before the deadline for submittal of a Standard 40/30 Waiver request. USEPA will grant a Provisional 40/30 Waiver, based on a consecutive system's available DBP data submitted before the deadline in the table below, provided that the data meets the 40/30 Waiver criteria.

A condition of the Provisional 40/30 Waiver is that the PWS must continue to collect voluntary DBP data, in accordance with the Stage 1 DBPR instructions, until the PWS has 8 consecutive quarters of DBP data. The PWS is expected to submit the remaining DBP data to USEPA as soon as it has completed 8 consecutive quarters of monitoring, but no later than the dates in the table below that corresponds to the IDSE Schedule your system is on.

Because the PWS will not meet the IDSE deadline, the PWS is required to also prepare and submit a Standard Monitoring Plan (SMP), in accordance with schedule listed below. Note: Even if a PWS is granted a Provisional 40/30 Waiver, USEPA will require a PWS to conduct Standard Monitoring, if individual TTHM or HAA5 results submitted to USEPA after the Provisional 40/30 Waiver is granted exceed the TTHM or HAA5 limits.

<b>IDSE Schedule</b>	<b>Deadline for Submittal of SMP, and Available DBP Data</b>	<b>Deadline for Submittal of Final DBP Data</b>
1	October 1, 2006	September 1, 2007
2	April 1, 2007	March 1, 2008
3	October 1, 2007	September 1, 2008
4	April 1, 2008	March 1, 2009

### **What do you need to qualify for a Provisional 40/30 Waiver?**

1. You must complete 8 consecutive quarters of TTHM and HAA5 monitoring (e.g., quarterly, annual or every 3 years, depending on your source water type and population) between the dates in the table below
2. At the time of your Provisional 40/30 Certification submittal, no individual sample result exceeds 0.040 mg/L for TTHM
3. At the time of your Provisional 40/30 Certification submittal, no individual sample result exceeds 0.030 mg/L for HAA5
4. Your system did not miss any TTHM or HAA5 monitoring during this time period.

<b>IDSE Schedule</b>	<b>Monitoring no Sooner Than</b>	<b>Deadline for Submittal of Final DBP data</b>
1	January 1, 2004	September 1, 2007
2	January 1, 2004	March 1, 2008
3	January 1, 2005	September 1, 2008
4	January 1, 2005	March 1, 2009

### **What do I do if I meet the above requirements?**

If you meet ALL of the above requirements, you are eligible for a Provisional 40/30 Waiver. You need to do the following:

1. Prepare and submit a SMP
2. Prepare and submit a signed and dated Provisional 40/30 Waiver Letter
3. Submit all of the TTHM and HAA5 data that you are using to qualify for the Provisional 40/30 Waiver.
4. Submit a distribution system schematic, with all of the required elements
5. Once you have completed 8 quarters of DBP monitoring, you must submit the remaining DBP data and prepare a recommendation on Stage 2 compliance monitoring locations.

### **Where do I submit this information?**

You must submit your SMP, Provisional 40/30 Certification Letter, TTHM/HAA5 monitoring data, and distribution system schematic to the following address:

Mary Wu  
8P-W-DW  
USEPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-8917

### **What if I receive a Provisional 40/30 Waiver, but subsequent data exceeds the 40/30 Waiver Criteria?**

If you receive a Provisional 40/30 Waiver based on less than 8 quarters of data, and subsequent monitoring exceeds either 0.040mg/L in any individual TTHM sample, or 0.030mg/L in any individual HAA5 sample, you must notify USEPA (see contact information below) and prepare to implement the SMP that was submitted to USEPA with your Provisional 40/30 Certification Letter. Upon receipt of your notification that you do not qualify for a 40/30 Certification, USEPA will review and either approve or modify your SMP. Once your SMP is approved, USEPA will specify a schedule for conducting Standard Monitoring.

### **Do I need to continue monitoring for DBPs?**

Once you complete 8 consecutive quarters of DBP monitoring and the TTHM/HAA5 levels continue to remain below 40/30, you will meet the Initial Distribution System Evaluation (IDSE) waiver. You are not required to continue monitoring for DBPs until Stage 2 compliance monitoring begins.

### **Questions and Additional Information**

If you have any questions regarding this notice, or require any assistance in preparing your SMP and/or Provisional 40/30 Certification submittal please contact the following:

Mary Wu	1-(800)227-8917 ext. 6789	wu.mary@epa.gov
Edison Sarmast	1-(800)227-8917 ext. 6216	sarmast.edison@epa.gov
Harry Jong	1-(800)227-8917 ext. 7077	jong.harry@epa.gov